

LaDOTD Acquirer



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"What acquiring minds want to know"

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New computer system, reorganization, and RFPs are the big issues now

Director's Report

By: Jim Dousay

There are several issues occupying our time currently. One is the new computer system – currently being called the Appraisal, Acquisition, and Relocation System (AARS) – which will be replacing RAMS. This new system is being designed to help our productivity by having several automatic features. This system will also be accessible to consultants by using the Internet. The plan is to have this new system up and running by this fall. When it goes into production, it will be a prototype system for other right of way offices nationwide. An initial project scope meeting was held recently and will be discussed in another article in this issue of the *Acquirer*.



Reorganization

Obviously, another big issue is the proposed reorganization. Civil Service is currently reviewing the Job Study. We should have word on whether Civil Service will give its approval by sometime in April. If they approve it, the Civil Service Commission would be asked for its approval at its June meeting. After that, the Governor would have to sign off on it.

Though not connected to the reorganization, we are currently trying to fill seven positions. These range from an new position of an IT Technical Support Analyst to existing positions like a Real Estate District Manager and secretarial positions. Most of these positions are vacant due to retirements and transfers.

RFPs

We are also currently advertising for Requests for Proposals (RFPs) for right of way services for the Black River Bridge at Jonesville project. This will be the first time

in many years, if ever, that we have used RFPs for right of way consultants. We should soon be receiving proposals from various firms. It will be interesting to see how the proposed fees come in.

Et al . . .

In the third week in April, I will be attending the AASHTO Right of Way Conference in Asheville, North Carolina. While there, I will be moderating the appraisal session. This meeting will be in Providence Rhode Island in 2003.

We are currently working with the Department of Environmental Quality (DEQ) on how to mitigate the numerous hazardous waste sites on the LA-US 167 jobs in Bernice and Dubach. We hope to streamline the mitigation process by using the same remediation contractor on a project basis. As a result of these negotiations, it is hoped that Secretary's PPM No. 81 can be changed to allow the Department to start Phase 1 and 2 site assessments and evaluations at an earlier date in program development. This would allow the remediation process to start prior to the acquisition process. This would certainly help accelerate the acquisition process and would minimize the delay claims from our roadway contractors..

As many of you know, Carol Hissong, our Acquisition Division Chief, will be retiring soon. Carol has been responsible for a large part of the achievements we have accomplished in Real Estate. She has been my right hand for a long time. She is very knowledgeable and resourceful and an important part of our operations. Her knowledge and ability to get things done will be greatly missed. Good luck in your retirement Carol. You will be missed. P.S., Carol, what is your home phone number? ♦



Recommendations

and best practices for Design/Build

from fhwa.gov

Part 2 of a 2-part series

R/W must be acquired and cleared in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, and State DOT R/W procedures. Actions which create an undue hardship for property occupants must be minimized to the greatest extent practicable or avoided altogether. Staging of R/W acquisition, adequate relocation lead time, coordination with construction activities, and creation of hold off zones related to occupied properties are all critical to integrating R/W acquisition activities into the design/build concept. The following is provided for consideration in utilizing design/build contracting to advance projects including R/W activities. Not all of the items are applicable to all projects; however, each one should be analyzed for relevance to a particular project.

Design/Build Proposals - Essential Considerations

- How will R/W acquisition and relocation services be managed by the prime contractor?
- What type of quality control methods will be employed to assure that all property owners rights under the Uniform Act and State requirements are being met?
- Who will provide negotiation and relocation services, and what are their qualifications?
- What safeguards will be in place to assure that occupied properties are protected from unsafe conditions?
- How will the prime contractor ensure that no coercive actions as described in 49 CFR 24.102(h) will result from advancing a R/W segment to the construction stage or any other actions that may be undertaken that could adversely affect the R/W process and compliance with governing state and federal requirements?
- What oversight will be provided by the state for the R/W acquisition part of the design/build contract?

Recommended Design/Build Contract Requirements

- The R/W certification process can be incorporated into the design/build contract. The contract could include language that provides that construction will not commence until all property is acquired and relocations have been completed. In situations where large, multi-year construction projects are undertaken, the construction could be phased or segmented to allow R/W activities to be completed in phases thereby allowing certification for each section.
- A reasonable schedule for the design, R/W acquisition/relocation and the construction phases of the project.

- Consider whether the State shall have the right to participate and approve selection of the R/W consultant.
- Submission of written acquisition and relocation procedures to the State DOT for approval prior to commencing R/W activities. These procedures should contain a prioritized appraisal, acquisition, and relocation strategy and should set out possible check points for State DOT approval, specifically the approval of just compensation. In addition, any of the following could be set up as check points or approvals by the state for monitoring purposes: replacement housing payment (RHP) calculations; RHP and moving cost claims; appraisals; administrative and stipulated settlements that exceed determined thresholds based on a risk management analysis, etc.
- Based on the scope, complexity, local support and the R/W consultants home office location; establishment of a local R/W office, either on the project or a short distance from the project, should be considered. The hours of operation of such an office should be customer oriented and convenient.
- Submission to the contractor and the State DOT of a written relocation plan which provides reasonable time frames for the orderly relocation of residents and businesses on the project. It should be understood that these time frames will be based on best estimates of the time it will take to acquire the R/W and relocate families in accordance with certain legal requirements and time frames which must be adhered to. Accordingly, the time frames estimated for R/W acquisition will not be compressed in the event other necessary actions preceding R/W acquisition miss their assigned due dates.
- Establishment of a project tracking system and quality control system. The contractor shall provide a project tracking system acceptable to the State DOT which shall show the appraisal, acquisition and relocation status of all parcels or requiring regularly scheduled reports.
- Consider whether the contractor shall develop a quality control system which reviews the R/W consultants work product for regulatory compliance or if the State will provide a monitor for the project. The quality control system may consist of an independent consultant with the necessary expertise in appraisal, acquisition and relocation policies and procedures, who can make periodic reviews and reports to the State DOT and contractor.
- Consider the establishment of a "hold off" zone around all occupied properties. The limits of this zone should be established by the State DOT prior to the contractor entering on the property. There should be no construction related activity within the "hold off" zone until the property is vacated. The contractor should have written notification of

LaDOTD Acquirer

vacancy from the R/W consultant or DOT prior to entering the "hold off" zone.

- Based on the type of work taking place and the relative location to occupied property, consider that active work areas adjacent to "hold off" zones may need to be delineated by orange plastic fencing.
- Adequate access shall be provided to all occupied properties to insure emergency and personal vehicle access.
- Utility service must be available to all occupied properties at all times prior to and until relocation is completed.
- Open burning should not occur within 1000 feet of an occupied dwelling.
- The State DOT will provide a R/W project manager who will serve as the first point of contact for the consultant R/W firm and the contractor with respect to R/W concerns.

Right-of-Way Best Practices to Consider in Design/Build Projects

- Develop the project goals, then develop the request for proposals.
- Early involvement of R/W, at the design level, is imperative to the success of the project.
- All parties, including the state R/W section, should be involved at contract origination.
- The determination of just compensation is a State responsibility and may not be delegated to the contractor. The contract should specify the method or steps to be used by the State to approve just compensation.
- Consider phasing the construction and R/W acquisition to concentrate efforts in segments. Acquisition and relocation could be completed by segment and then a notice given to allow construction to proceed.
- Begin acquisition as early as possible.
- Initiate title searches as soon as an alignment is determined.
- Identify whole takings where R/W activities such as appraisal and even acquisition may be accomplished before design is final.
- Anticipate and identify difficult acquisitions early in the process and concentrate early efforts on acquisition/relocation that will require more lead time.
- Consider that attorneys will need information about the property in the event condemnation is necessary. Pictures of the property prior to construction activities taking place are essential.
- Specify how the R/W consultant is to handle uneconomic remainders and landlocked properties.
- Review anticipated stages of construction and acquire necessary parcels in the phases which will occur first in the construction cycle along with

properties that are expected construction starting points.

- Properties already owned by the DOT and available to the contractor as staging areas should be identified in the contract.
- The contractor must notify the DOT immediately upon the discovery of any assumed hazardous materials, historical or archeological site.
- Additional temporary easements for the convenience of the contractor can be acquired and the cost deducted from the Contract Price.
- Where the contract provides a "pass through" or actual cost method for R/W acquisition (costs borne by the State, not the contractor), safeguards should be built into the process to prevent incentive payments to property owners. Incentive payments to owners of difficult acquisitions and/or relocations are contrary to the Uniform Act requiring fair and equitable treatment of all property owners.
- Agreements for a Right of Entry should only be used as an exception and the property owner must be fully informed in writing of the rights and benefits to which they are entitled.
- Have regularly scheduled community meetings to keep the public informed.
- Consider providing the prime contractor the ability to process checks for title work, land acquisition, relocation, court, and closing costs or to establish an account with a local attorney. This could save significant time over normal state procedures for processing claims and could aid negotiations.
- Limit the number of people contacting the property owners.
- The purchase of borrow material by the contractor can have an impact on negotiations for the property. Consider the implications of higher prices for borrow than for land values.
- Ensure the R/W consultant knows how to prepare and maintain project acquisition files.◆

District 61 moves

The District 61 Real Estate office has moved to an office building on Old Hammond Highway in Baton Rouge. The building was purchased as part of the widening project for that road. This office is more centrally located than the former office on Sullivan Road

The address of the new office is 10495 Old Hammond Highway, Baton Rouge, LA 70816. The phone is (225)922-0785 and the FAX is (225)922-0781.◆

Carol Hissong retiring

Acquisition Division Chief Carol Hisson will be retiring in May, with 30 years service. The *Acquirer* wishes Carol good luck and hopes she enjoys her retirement. ♦



Phillip Poland retires

Shreveport District Manager Philip Poland retired March 3, 2002, with 30 years of service. The *Acquirer* wishes Philip good luck and hopes he enjoys his retirement. ♦

DOTD celebrates 25 years

From a DOTD Press Release 3/1/02

The year 2002 marks the 25th anniversary of the 1977 restructuring of the Louisiana Department of Transportation and Development (DOTD), the DOTD Silver Jubilee, and Dr. Kam Movassaghi, DOTD Secretary, has outlined a number of activities throughout the year to commemorate the occasion.

During each month of 2002, a different aspect of DOTD's past 25 years will be focused upon, future plans will be delineated and/or an activity will be conducted in each DOTD district, Movassaghi said.

Regarding future plans, the first initiative we will take to launch us on our next 25 years will be the unveiling of a new DOTD logo and bumper sticker at the Louisiana Transportation Engineering Conference in Baton Rouge at the Radisson Hotel in February, Movassaghi said.



In the department's reorganization, the Board of Highways was abolished, and its activities were assumed by a newly created Department of Transportation and Development, encompassing related activities such as highways, public works, aviation, public transportation

and a number of transportation authorities, committees, boards and commissions, he said.

The nine district board members gave way to a tier of appointed unclassified positions, and a number of organizational changes have also been implemented since the initial reorganization, he said.

One aspect of the DOTD program over the past 25 years that will be focused upon during the department's silver jubilee year will be construction of the 212-mile segment of I-49

between Lafayette and Shreveport, which was completed with a formal dedication ceremony on May 1, 1996.

In spite of delays, cost estimate and completion date changes, controversies and the growing effects of environmental regulation, construction progressed ever onward, and segment after segment came to completion.

Interstate 49 segments between Lafayette and Shreveport and their completion dates include:

- ✚ Lafayette to Washington - September 1983
- ✚ Boyce to Natchitoches - November 1986
- ✚ Natchitoches to Shreveport - November 1989
- ✚ Washington to Meeker - August 1991
- ✚ Meeker to Alexandria - May 1992
- ✚ Alexandria to Boyce - June 1992
- ✚ Urban Shreveport - December 1995
- ✚ Urban Alexandria - May 1996

Additionally, much of the roadway was under construction during the economically devastating oil crunch of the 1980s (before passage of the LTTF, the Louisiana Transportation Trust Fund), when gasoline tax revenues were used to cover budget shortfalls in other state government agencies.

Some of the other aspects of DOTD that will be focused upon are the TIMED program, the LTTF, the enhancement program and others.

Plans for activities throughout the year are in the process of being finalized. ♦

New computer system previewed

Headquarters Real Estate Supervisors traveled to the Computer Center Classroom on March 18 to see a presentation on the new computer system being developed for the Real Estate Section. The system, conditionally called the Appraisal, Acquisition, and Relocation System (AARS), will replace RAMS which has been in use since 1985. The presentation was made by David Banghart, Director of Project Management Practice, of Xybernaut Solutions, Inc., which is programming the system. He was joined by Pete LaBarre, a programmer for Xybernaut. This company has developed similar systems for several other state transportation agencies. Besides all Headquarters Real Estate supervisors, others in attendance were Bob Boagni, Project Development Chief; Dom Cali, Director of Information Services; Barbara Baldwin and Jerome Lohman, Consultants; and Bernie Knobloch and Bob Ledoux of the Legal Section.

AARS, which will use what is called Critical Path Methodology, will interface with the Program Project Management System (PPMS), which is being developed for the Project Development Division. PPMS is being developed to help manage projects better by both DOTD employees and consultants. AARS will track Real Estate activities for PPMS and will

- ✚ Provide a single source of status data

LaDOTD Acquirer

- Will be widely distributed (access by both DOTD and consultant employees), and
- Will minimize requests to track data.

The objectives of AARS are:

- Improve Real Estate's ability to reliably meet status activities
- Improve Real Estate's data communications with the Districts, and
- Improve Real Estate's data communications with the consultants.

AARS will even have the ability to create many of the forms that we use from day to day, and possibly even our vouchers. Meetings are being held with Real Estate personnel to review our functions, see and discuss possible prototypes of the screens, and see and discuss what the reports may look like.

Data entry into the PPMS system is scheduled to have begun. AARS could be "on-line" by late November or early December. That would sure be a nice Christmas present! ♦



Dave Banghart
of Xybernaut
Solutions
discusses the
new AARS
system

[Louisiana Purchase Bicentennial](#)

The purchase negotiations

From www.sec.state.la.us/purchase/negotiation

Soon after Thomas Jefferson became President, the United States learned that Spain planned to return Louisiana to France. Fearing that France might try to interfere with Western American trade in the port of New Orleans, Jefferson ordered Robert Livingston, his newly appointed Minister to France, to leave America in September of 1801 to develop some plan for securing the right of passage to New Orleans for the Union, or possibly, for purchasing the Floridas.

In the months that followed Livingston's arrival in France, he constantly urged the French government to make concessions with the Americans regarding Louisiana. However, all of his arguments detailing why Louisiana would be worth more to France if it were in the hands of the United States seemed to be fruitless. When the Spanish intendant of New Orleans suspended the right of deposit in October of 1802 (probably as a result of Napoleon Bonaparte's orders), Jefferson chose to send James Monroe to help Livingston in his negotiations with Bonaparte. In addition, Congress granted approval for Livingston to attempt to purchase the eastern bank of the Mississippi River for up to two million dollars. Secretly, Jefferson revealed to the two envoys that he was willing to

pay over nine million dollars for the Floridas and New Orleans.



When James Monroe arrived in Paris in April 1803, Bonaparte had not revealed his plans to sell Louisiana but needed money quickly in case war with Great Britain arose. On April 10, Napoleon met with Francois Barbé-Marbois, his minister of finance, and approached him with a plan to sell all of Louisiana to Livingston and Monroe.

The next morning, Livingston was offered all of Louisiana on behalf of the United States. Surprised by this offer, he reiterated that the United States had only intended to purchase New Orleans and the Floridas but was reminded by the French foreign minister Talleyrand that without New Orleans, Louisiana would not be worth much to France. Livingston offered the French twenty million francs, which they promptly refused. Nevertheless, their negotiations were not over yet; the men put their discussion on hold for the arrival of James Monroe two days later.

On April 14, with Monroe finally at his post in France, the men resumed their talks, working feverishly to set a reasonable price for Louisiana. When the Americans raised their offer to fifty million francs, French resistance waived. In order to facilitate the sale, Barbé-Marbois would specify no distinct boundaries of Louisiana. On April 30, 1803, after days of disputing the details of this awesome deal, the Americans finally agreed to the Treaty of Cession and the two conventions which accompanied it. Louisiana would become American.

The United States Constitution declares that the President has the power "with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur...". The Treaty of Cession transferring Louisiana from France to the United States required such approval.

The three interdependent agreements that made up the transaction included the "Treaty of Cession", "The Convention for Payment", and "The Convention for Payment of Claims". The "Treaty of Cession" was the formal diplomatic contract for the sale of Louisiana to the United States. In addition, for a period of no less than twelve years French and Spanish ships and merchandise were to pay duties no higher in Louisiana's ports than did American commerce.

Another condition granted that the people of Louisiana were to be incorporated into the United States and be given the full rights of citizenship granted by the U.S. Constitution. The document also provided for the security of the inhabitants of Louisiana in their personal privileges until the time of such incorporation.

The second part of the Louisiana Purchase Treaty, "The Convention for Payment", established the purchase price that America would pay to France in order to obtain and occupy Louisiana. The cost of the Louisiana Territory itself was set at \$11,250,000. It was determined that the United States would borrow the money from banking firms in Britain and the Netherlands.

"The Convention of Payment of Claims" dealt with the American government's assumption of the claims of its citizens against France or \$3,750,000.

As part of the agreement with France, the American government would assume responsibility for paying up to twenty million francs, or \$3,747,268, to citizens of the United States who had valid claims against the French for property, goods, or funds lost through improper seizure or broken contracts. Because of inattention to detail, the Convention of Payment later caused considerable confusion. The negotiators, however, expressed little remorse; Robert Livingston stated his opinion that the "convention was a trifle compared with the other great object". ♦

Why Meetings Should Last Only 29 Minutes and 59 Seconds

From Technology Today, Vol. 115, No. 4, (published by LTRC)

Here's an argument for brevity: never ever schedule another meeting to last more than a half-hour. The reasons why brief meetings work:

- ✓ They force preparation. If a meeting is to last a half-hour, everyone will have had to do the real critical thinking beforehand if they're to accomplish anything.
- ✓ They force focus. There won't be any time to get off on a tangent – and the clock, not the manager, is the bad guy.
- ✓ They force action. In 30 minutes everyone at the meeting will be back at their workstations doing what they're supposed to be doing.

Remember, teams accomplish projects, but individuals do the work of the project.- adapted from Industry Week ♦

Project Manager Jack Shaffer (R) and his friend Danny Brown (L) were featured in an article in the Baton Rouge Advocate last year about people who search garage sales and trash piles for hidden 'treasures.'



Just for fun

Police bear brunt of doughnut jokes after Slidell heist

Times-Picayune, St. Tammany Edition, 4/4/02

In the week since the Great Krispy Kreme Kaper, Slidell police spokesman Lt. Rob Callahan said he has heard every joke about cops and doughnuts in the book and has even added a few himself.

He fielded calls from reporters across the country and was interviewed on a dozen radio shows after two thieves stole a Krispy Kreme delivery truck March 27 and led police on a 15-mile chase as doughnuts spilled onto the roadway.

"Everyone has to make their cute little remarks," Callahan said. " 'Was the guy doing doughnuts in the street?' 'Did the officers eat any of the evidence?' and 'I suppose with all those doughnuts lying around there was no need to call for backup.' "

Jay Leno weighed in on "The Tonight Show," saying "The thieves left a 15-mile trail of doughnuts and were captured by 5,482 police officers."



Callahan couldn't resist making a couple wisecracks himself in a news release headlined "Doughnut Delivery Truck Thieves Can't Shake Hungry Cop."

"I report on so many horrible things on a daily basis that I wanted to have a little fun with this case, even if it was at our own expense," he said. Callahan confirmed reports of police officers gathering up the spilled doughnuts, but he said they did so only for evidence.

"Unfortunately, only two or three doughnuts actually made it back to the evidence room," he said. "We're still investigating what happened to them." But all joking aside, Callahan said police officers' alleged preference for pastries is a "bad rap."

"It apparently goes back to when bakeries and doughnut shops were the only places an officer working the night shift could get something to eat," he said. "Most officers now won't even go near a doughnut shop because of the stereotype."

Last week's chase started about 3:30 a.m. when a Krispy Kreme deliveryman left the rear doors of his truck open and the engine running while carrying doughnuts into a convenience store on Gause Boulevard.

Police said a man and a woman hopped in the truck and sped off onto Interstate 10. Officer Alex Davis began chasing the truck as it exited onto westbound Interstate 12, with doughnuts spilling out the back along the way.

LaDOTD Acquirer

"At first I thought they were throwing them at me," Davis said. "I was tempted to pull over and eat some because I had been on duty for about 10 hours and was getting pretty hungry."

The thieves exited onto Louisiana 434 and abandoned the truck on a driveway in Lacombe. Davis arrested the passenger Rose, but the driver ran away. Moments later, 15 other police officers, state troopers and sheriff's deputies began arriving.

"I guess they could smell the doughnuts," Davis said. "They were saying things like, 'Of all the vehicles to chase, you had to pick a doughnut truck. You're going to give us all a bad name,' or 'What? You let one of the suspects get away because you were too busy eating doughnuts?'"

Actually, Davis was the only one who missed out on the

impromptu breakfast buffet. He was driving the passenger to the city jail when the Krispy Kreme driver rewarded the other officers by passing out the rest of his load. "I heard the tow-truck driver got six boxes, but I didn't even get a doughnut hole," Davis said. But he got no sympathy from Capt. Ziggy Swenson. "I wasn't allowed to join the pursuit because I'm on a strict diet," Swenson joked.

The chase was reported in dozens of newspapers across the country and in Canada with headlines such as "Thieves glaze trail for police to follow" and "Every cop's dream."

So if you happen to see a couple of police officers enjoying a glazed doughnut or two, give them a break. They're probably just doing their job. ♦

" QUOTABLE "

"Only a life lived for others is a life worthwhile." - Albert Einstein

"Happiness and moral duty are inseparably connected." - George Washington

"I have not failed. I've just found 10,000 ways that don't work." - Thomas Edison

"The home is the chief school of human virtues." - William Ellery Channing

"What makes resisting temptation difficult, for many people, is they don't want to discourage it completely." - Franklin P. Jones

"If you spend your whole life waiting for the storm, you'll never enjoy the sunshine." - Morris West

"I'd rather be a could-be if I cannot be an are; because a could-be is a maybe who is reaching for a star. I'd rather be a has-been than a might-have-been, by far; for a might have-been has never been, but a has was once an are." - Milton Berle

"Success usually comes to those who are too busy to be looking for it." - Henry David Thoreau

"Never measure the height of a mountain until you have reached the top. Then you will see how low it was." - Dag Hammarskjold

"Adults are always asking kids what they want to be when they grow up because they are looking for ideas for themselves." - Paula Poundstone

"It is better to look ahead and prepare than to look back and regret." - Jackie Joyner-Kersey

"The biggest human temptation is to settle for too little" - Thomas Merton

"Remember that as a teenager you are at the last stage in your life when you are happy to hear that the phone is for you." - Fran Lebowitz